

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Sumy Ashkar and Jairo Salcedo

Serial No.: 09/981,845

Art Unit: 1647

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AUG 16 2004

Filed: October 18, 2001

Examiner: Regina M. Deberry

For: *OSTEOPONTIN-COATED SURFACES AND METHODS OF USE*Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**APPEAL BRIEF**

Sir:

This is an appeal from the final rejection of claims 1-6 in the Office Action mailed February 13, 2004, in the above-identified patent application. A Notice of Appeal was mailed on June 14, 2004 (there is an error in the Advisory Action mailed June 28, 2004). The Commissioner is hereby authorized to charge \$165.00, the fee for the filing of this Appeal Brief for a small entity, to Deposit Account No. 50-3129. It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

(1) REAL PARTY IN INTEREST

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APPEAL BRIEF

working examples, the state of the prior art and the relative skill of those in the art, that one of ordinary skill in the art could make and use the claimed osteopontin-derived peptide fragments to increase cell attachment to a material. In addition, one is clearly enabled to test for the ability of the claimed peptide fragments to bind to integrin receptors on the surface of any cell type.

For the foregoing reasons, Appellants submit that claims 1-6 are enabled.

Respectfully submitted,



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Date: August 16, 2004
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